

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

JUDD AND DONNA HAMBRICK,

PLAINTIFFS,

VS.

CIVIL ACTION NO. 1:07CV258-P-D

**BEAR STEARNS RESIDENTIAL MORTGAGE  
a/k/a ENCORE CREDIT CORP. a/k/a PERFORMANCE  
CREDIT CORP and WELLS FARGO BANK, N.A. d/b/a  
AMERICA'S SERVICING COMPANY,**

DEFENDANTS.

**AMENDED PARTIAL FINAL JUDGMENT**

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND  
ADJUDGED** that:

- (1) Bear Stearns Residential Mortgage and Encore Credit Corp.'s motions to dismiss [42,47 respectively] are hereby **GRANTED**; thus,
- (2) All of the plaintiffs' claims against Bear Stearns Residential Mortgage and Encore Credit Corp – *i.e.*, “predatory lending,” violation of the Truth in Lending Act and Regulation Z, and intentional or negligent infliction of emotional distress – are **DISMISSED WITH PREJUDICE**;
- (3) The plaintiffs' claims against Wells Fargo Bank, N.A. d/b/a America's Servicing Company remain; and
- (4) Because this case no longer involves multiple parties, the rights and alleged liabilities of Bear Stearns Residential Mortgage and Encore Credit Corp. have been fully adjudicated, the court concludes pursuant to Fed. R. Civ. P. 54(b) that there is no just reason for delay for entering final judgment as to Bear Stearns Residential Mortgage and Encore Credit Corp.

**SO ORDERED** this the 18<sup>th</sup> day of December, A.D., 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE